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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT TACOMA

9 ALEXANDER PAGE,

10 Plaintiff,

11 v.

12 CURTIS WRIGHT, *et al.*,

13 Defendants.

Case No. C08-5215 BHS/KLS

REPORT AND RECOMMENDATION

**NOTED FOR:**  
**September 12, 2008**

14  
15 This civil rights action has been referred to the undersigned United States Magistrate Judge  
16 Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. Plaintiff has  
17 been granted leave to proceed *in forma pauperis*. (Dkt. # 6). Prior to service of Plaintiff's  
18 complaint, the undersigned ordered Plaintiff to file an amended complaint and warned the Plaintiff  
19 that the Court would recommend dismissal of his case for failure to prosecute if the amended  
20 complaint was not filed on or before August 1, 2008. (Dkt. # 18). Plaintiff has failed to respond to  
21 this Court's Order. The undersigned recommends that this action be dismissed without prejudice.

22 **I. DISCUSSION**

23 Plaintiff was granted leave to proceed *in forma pauperis* on May 5, 2008. (Dkt. # 6). On  
24 the same day, the Court directed Plaintiff to submit service copies and service forms for service of  
25 the Complaint on Defendants by the U.S. Marshal. (Dkt. # 8). On June 16, 2008, Plaintiff filed a  
26 motion to amend (Dkt. # 15) in this case and "amended consolidated" civil rights complaint, in  
27 which he purported to consolidate this action with his civil rights complaint filed in Case No. C08-

1 5257BHS. (Dkt. # 16). The Court granted Plaintiff leave to amend to plead the causes of action he  
2 originally purported to bring in Case No. C08-5257BHS and ordered that Case No. 08-5257BHS  
3 should be administratively closed based on Plaintiff's representation that he no longer wished to  
4 pursue that case. (Dkt. # 18).<sup>1</sup>

5 However, as the proposed "amended consolidated complaint" filed by Plaintiff suffered  
6 from a number of deficiencies, the Court explained to Plaintiff that it would not order service of the  
7 complaint until Plaintiff cured the deficiencies by filing an amended complaint. *Id.* The Court  
8 advised Plaintiff as to the various deficiencies in his complaint and allowed him additional time,  
9 until August 1, 2008, to submit an amended complaint. *Id.* To date, Plaintiff has not complied with  
10 the Court's Order, nor has he sought additional time to comply with the Court's Order.

## 11 II. CONCLUSION

12 Plaintiff has not filed an amended complaint as directed, nor has he requested additional time.  
13 Therefore, the undersigned recommends this case be dismissed for failure to prosecute. The Court  
14 recommends the action be **dismissed without prejudice**. A proposed order accompanies this  
15 Report and Recommendation.

16 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure,  
17 the parties shall have ten (10) days from service of this Report and Recommendation to file written  
18 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those  
19 objections for purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time  
20 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on **September**  
21 **12, 2008**, as noted in the caption.

22 DATED this 21st day of August, 2008.

23   
24 Karen L. Strombom  
25 United States Magistrate Judge

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27 <sup>1</sup>As Plaintiff never paid the filing fee or submitted a completed *in forma pauperis*  
28 application in Case No. 08-5257BHS, there was no ongoing case to "consolidate" with this action.